

# SENATE BILL 899

F1

EMERGENCY BILL  
ENROLLED BILL

(0lr0192)

— *Education, Health, and Environmental Affairs/Ways and Means* —

Introduced by **The President (By Request – Administration)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Education Reform Act of 2010**

3 FOR the purpose of altering the probationary period of employment of a certificated  
4 employee in a ~~public~~ *local* school system; altering certain procedures related to  
5 the probationary period of a certificated employee; requiring a county board of  
6 education to evaluate annually a nontenured certificated employee based on  
7 established performance evaluation criteria; requiring certain certificated  
8 employees to be assigned a mentor and provided additional professional  
9 development under certain circumstances; ~~requiring that a performance~~  
10 ~~evaluation of a certificated teacher or principal in a public school system include~~  
11 ~~certain data as a certain component of the evaluation~~ requiring the State Board  
12 of Education to adopt regulations to establish certain standards that include  
13 certain provisions; requiring certain employees to be tenured under certain  
14 circumstances; authorizing certain local school systems to extend a certain  
15 probationary period for certain employees under certain circumstances;

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 requiring the State Board to adopt certain regulations that establish general  
 2 standards for certain performance evaluations including certain model  
 3 performance criteria; requiring the State Board to solicit certain information and  
 4 recommendations from local school systems before proposing certain regulations  
 5 and convene a certain meeting; requiring certain county boards to establish  
 6 certain performance evaluation criteria that are mutually agreed upon by  
 7 certain local school systems and certain exclusive employee representatives for  
 8 certain teachers and principals based on certain standards; requiring certain  
 9 performance evaluation criteria to include certain data as a certain component  
 10 of the evaluation; requiring that a certain component of an evaluation be one of  
 11 multiple measures; ~~requiring the State Board of Education to adopt regulations~~  
 12 ~~to implement certain provisions of this Act; requiring certain classroom teachers~~  
 13 ~~and principals working in certain public schools to receive a certain stipend,~~  
 14 ~~contingent on the receipt of certain federal funds~~ prohibiting certain  
 15 performance evaluation criteria from being based solely on certain examinations  
 16 or assessments; ~~authorizing the use of certain examinations or assessments as~~  
 17 ~~one of certain measures~~ requiring certain performance evaluation criteria  
 18 adopted by the State Board to take effect in a local jurisdiction at a certain time  
 19 under certain circumstances; requiring the State Board to establish a certain  
 20 program to support certain incentives for certain teachers and principals that  
 21 ~~may include certain elements~~ meets certain requirements; authorizing the  
 22 program to include certain incentives; ~~restricting certain use of Race to the Top~~  
 23 ~~grant funds for certain purposes;~~ requiring the State Board to adopt certain  
 24 guidelines to implement a certain program; authorizing the award of certain  
 25 stipends in certain years to be based on obtainment of National Board  
 26 Certification; requiring each local school system, on or before a certain date, to  
 27 submit to the State Board certain information relating to the local school  
 28 system's teacher monitoring program; providing for the construction of certain  
 29 provisions of this Act; defining a ~~certain term~~ certain terms; providing for the  
 30 application of a certain provision of this Act; making this Act an emergency  
 31 measure; and generally relating to the employment of certificated employees in  
 32 a ~~public~~ local school system.

33 BY repealing and reenacting, with amendments,  
 34 Article – Education  
 35 Section 6–202  
 36 Annotated Code of Maryland  
 37 (2008 Replacement Volume and 2009 Supplement)

38 BY adding to  
 39 Article – Education  
 40 Section 6–306(b)(5)  
 41 Annotated Code of Maryland  
 42 (2008 Replacement Volume and 2009 Supplement)

43 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 44 MARYLAND, That the Laws of Maryland read as follows:



1           [(2) (i) A probationary period for a certificated employee in a public  
2 school system may be extended for a third year from the date of employment if the  
3 certificated employee does not qualify for tenure at the end of the second year based on  
4 established performance evaluation criteria and the employee demonstrates a strong  
5 potential for improvement.

6           (ii) If the probationary period of a certificated employee is  
7 extended as provided in this paragraph, a mentor shall be assigned to the employee  
8 and the employee shall be evaluated at the end of the third year based on established  
9 performance evaluation criteria.]

10           (2) (I) A COUNTY BOARD SHALL EVALUATE ANNUALLY A  
11 NONTENURED CERTIFICATED EMPLOYEE BASED ON ESTABLISHED  
12 PERFORMANCE EVALUATION CRITERIA.

13           (II) ~~IF~~ SUBJECT TO SUBPARAGRAPH (III) OF THIS  
14 PARAGRAPH, IF THE NONTENURED CERTIFICATED EMPLOYEE IS NOT ON TRACK  
15 TO QUALIFY FOR TENURE AT ANY FORMAL EVALUATION POINT AT THE END OF  
16 THE FIRST OR SECOND YEAR, A:

17           1. A MENTOR PROMPTLY SHALL BE ASSIGNED TO  
18 THE EMPLOYEE TO PROVIDE THE EMPLOYEE COMPREHENSIVE GUIDANCE AND  
19 INSTRUCTION; AND ~~AND ADDITIONAL~~

20           2. ADDITIONAL PROFESSIONAL DEVELOPMENT  
21 SHALL BE PROVIDED TO THE EMPLOYEE, AS APPROPRIATE.

22           (III) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED  
23 TO PROHIBIT A COUNTY BOARD FROM ASSIGNING A MENTOR AT ANY TIME  
24 DURING A NONTENURED CERTIFICATED EMPLOYEE'S EMPLOYMENT.

25           (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,  
26 IF A CERTIFICATED EMPLOYEE HAS ACHIEVED TENURE IN A LOCAL SCHOOL  
27 SYSTEM IN THE STATE AND MOVES TO ANOTHER LOCAL SCHOOL SYSTEM IN THE  
28 STATE, THAT EMPLOYEE SHALL BE TENURED IF THE EMPLOYEE'S CONTRACT IS  
29 RENEWED AFTER 1 YEAR OF PROBATIONARY EMPLOYMENT IN THE LOCAL  
30 SCHOOL SYSTEM TO WHICH THE EMPLOYEE RELOCATED IF:

31           1. THE EMPLOYEE'S FINAL EVALUATION IN THE  
32 LOCAL SCHOOL SYSTEM FROM WHICH THE EMPLOYEE DEPARTED IS  
33 SATISFACTORY OR BETTER; AND

1                                   **2. THERE HAS BEEN NO BREAK IN THE EMPLOYEE'S**  
 2 **SERVICE BETWEEN THE TWO SYSTEMS OF LONGER THAN 1 YEAR.**

3                                   **(II) A LOCAL SCHOOL SYSTEM MAY EXTEND THE**  
 4 **PROBATIONARY PERIOD FOR A CERTIFICATED EMPLOYEE SUBJECT TO**  
 5 **SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A SECOND YEAR FROM THE DATE**  
 6 **OF EMPLOYMENT IF:**

7                                   **1. THE EMPLOYEE DOES NOT QUALIFY FOR TENURE**  
 8 **AT THE END OF THE FIRST YEAR BASED ON ESTABLISHED PERFORMANCE**  
 9 **EVALUATION CRITERIA; AND**

10                                   **2. THE EMPLOYEE DEMONSTRATES A STRONG**  
 11 **POTENTIAL FOR IMPROVEMENT.**

12                                   ~~(3)~~ **(4)(I)** The State Board shall adopt regulations that implement the  
 13 provisions of paragraphs (1) and (2) of this subsection and define the scope of a  
 14 mentoring program **AND PROFESSIONAL DEVELOPMENT** that will be aligned with  
 15 the [2-year] **3-YEAR** probationary period [and the 1-year extension as provided in  
 16 paragraph (2) of this subsection].

17                                   **(II) ~~1.~~ THE STATE BOARD SHALL ADOPT REGULATIONS**  
 18 **TO ESTABLISH STANDARDS FOR EFFECTIVE MENTORING ~~THAT REQUIRE~~**  
 19 **~~MONITORING TO BE PROVIDED AT LEAST 90 DAYS IN ADVANCE OF AN ADVERSE~~**  
 20 **~~ACTION BEING TAKEN AGAINST AN EMPLOYEE THAT RELATES TO~~**  
 21 **~~INCOMPETENCE OR OTHER INSTRUCTION RELATED ISSUES.~~**

22                                   ~~2.~~ **THE REGULATIONS ADOPTED UNDER**  
 23 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL INCLUDE PROVISIONS TO**  
 24 **ENSURE THAT MENTORS PROVIDE MENTORING, INCLUDING PROVISIONS TO**  
 25 **ENSURE THAT MENTORS PROVIDE MENTORING THAT:**

26                                   **A. 1. IS FOCUSED;**

27                                   **B. 2. IS SYSTEMATIC;**

28                                   **C. 3. IS ONGOING;**

29                                   **D. 4. IS OF HIGH QUALITY;**

30                                   **E. 5. IS GEARED TO THE NEEDS OF EACH EMPLOYEE**  
 31 **BEING MENTORED;**

32                                   **F. 6. INCLUDES OBSERVATIONS; AND**

~~C.~~ 7. INCLUDES FEEDBACK.

~~(C) (1) A PERFORMANCE EVALUATION OF A CERTIFICATED TEACHER OR PRINCIPAL IN A PUBLIC SCHOOL SYSTEM SHALL INCLUDE DATA ON STUDENT GROWTH AS A SIGNIFICANT COMPONENT OF THE EVALUATION AND ONE OF MULTIPLE MEASURES.~~

~~(2) THE STATE BOARD SHALL ADOPT REGULATIONS THAT IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.~~

(C) (1) IN THIS SUBSECTION, "STUDENT GROWTH" MEANS STUDENT PROGRESS ASSESSED BY MULTIPLE MEASURES AND FROM A CLEARLY ARTICULATED BASELINE TO ONE OR MORE POINTS IN TIME.

(2) (I) THE SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH GENERAL STANDARDS FOR PERFORMANCE EVALUATIONS FOR CERTIFICATED TEACHERS AND PRINCIPALS THAT INCLUDE OBSERVATIONS, CLEAR STANDARDS, RIGOR, AND CLAIMS AND EVIDENCE OF OBSERVED INSTRUCTION.

(II) THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE MODEL PERFORMANCE EVALUATION CRITERIA.

(III) BEFORE THE PROPOSAL OF THE REGULATIONS REQUIRED UNDER THIS PARAGRAPH, THE STATE BOARD SHALL SOLICIT INFORMATION AND RECOMMENDATIONS FROM EACH LOCAL SCHOOL SYSTEM AND CONVENE A MEETING WHEREIN THIS INFORMATION AND RECOMMENDATIONS ARE DISCUSSED AND CONSIDERED.

(3) SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION:

~~(3)~~ (I) A COUNTY BOARD SHALL ESTABLISH PERFORMANCE EVALUATION CRITERIA FOR CERTIFICATED TEACHERS AND PRINCIPALS IN THE LOCAL SCHOOL SYSTEM BASED ON THE GENERAL STANDARDS ADOPTED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT ARE MUTUALLY AGREED ON BY THE LOCAL SCHOOL SYSTEM AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE.

(II) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO REQUIRE MUTUAL AGREEMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO BE GOVERNED BY SUBTITLES 4 AND 5 OF THIS TITLE.

1           (4) THE PERFORMANCE EVALUATION CRITERIA DEVELOPED  
 2 UNDER PARAGRAPH (3) OF THIS SUBSECTION:

3           (I) SHALL INCLUDE DATA ON STUDENT GROWTH AS A  
 4 SIGNIFICANT COMPONENT OF THE EVALUATION AND AS ONE OF MULTIPLE  
 5 MEASURES; AND

6           (II) MAY NOT BE BASED SOLELY ON AN EXISTING OR NEWLY  
 7 CREATED SINGLE EXAMINATION OR ASSESSMENT.

8           (5) (I) AN EXISTING OR NEWLY CREATED SINGLE  
 9 EXAMINATION OR ASSESSMENT MAY BE USED AS ONE OF THE MULTIPLE  
 10 MEASURES.

11           (II) NO SINGLE CRITERION SHALL ACCOUNT FOR MORE  
 12 THAN 35% OF THE TOTAL PERFORMANCE EVALUATION CRITERIA.

13           (6) IF A LOCAL SCHOOL SYSTEM AND THE EXCLUSIVE EMPLOYEE  
 14 REPRESENTATIVE FAIL TO MUTUALLY AGREE UNDER PARAGRAPH (3) OF THIS  
 15 SUBSECTION, THE MODEL PERFORMANCE EVALUATION CRITERIA ADOPTED BY  
 16 THE STATE BOARD UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL  
 17 TAKE EFFECT IN THE LOCAL JURISDICTION 6 MONTHS FOLLOWING THE FINAL  
 18 ADOPTION OF THE REGULATIONS.

19 6-306.

20           ~~(b) (5) (i) IN THIS PARAGRAPH, "RACE TO THE TOP APPLICATION~~  
 21 ~~GRANT FUNDS" MEANS FEDERAL MONEY AWARDED TO THE STATE IN RESPONSE~~  
 22 ~~TO THE STATE'S APPLICATION TO THE UNITED STATES DEPARTMENT OF~~  
 23 ~~EDUCATION FOR THE RACE TO THE TOP FUND, AUTHORIZED UNDER THE~~  
 24 ~~AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.~~

25           ~~(ii) A HIGHLY EFFECTIVE CLASSROOM TEACHER OR~~  
 26 ~~PRINCIPAL WORKING IN A PUBLIC SCHOOL IDENTIFIED IN THE STATE'S RACE~~  
 27 ~~TO THE TOP APPLICATION AS A SCHOOL IN THE LOWEST ACHIEVING 5% OF~~  
 28 ~~TITLE I SCHOOLS IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING~~  
 29 ~~SHALL RECEIVE A STIPEND FROM THE STATE IN AN AMOUNT DETERMINED BY~~  
 30 ~~THE STATE BOARD, CONTINGENT ON RECEIPT OF RACE TO THE TOP GRANT~~  
 31 ~~FUNDS.~~

32           ~~(ii) 1. THE STATE BOARD SHALL ESTABLISH A~~  
 33 ~~PROGRAM TO SUPPORT LOCALLY NEGOTIATED INCENTIVES FOR HIGHLY~~  
 34 ~~EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC~~  
 35 ~~SCHOOLS THAT ARE CATEGORIZED AS TITLE I SCHOOLS OR HAVE A LOCALLY~~

~~1 DETERMINED PERCENTAGE OF STUDENTS WHO RECEIVE FREE AND REDUCED  
2 PRICE MEALS.~~

~~3 2. THE PROGRAM ESTABLISHED UNDER  
4 SUBSUBPARAGRAPH 1 OF THIS PARAGRAPH SUBPARAGRAPH MAY INCLUDE:~~

~~5 A. OFFERING GROUP INCENTIVES IN ORDER TO  
6 ATTRACT A CRITICAL MASS OF HIGHLY EFFECTIVE TEACHERS;~~

~~7 B. REQUIRING THE REPLACEMENT OF CURRENT  
8 PRINCIPALS WITH HIGHLY EFFECTIVE PRINCIPALS;~~

~~9 C. DETERMINING THE SIZE OF THE STIPEND FROM  
10 DATA AND SUCCESSFUL PROGRAMS PROVEN TO WORK; AND~~

~~11 D. BASING STIPENDS ON PROVEN SKILLS OF THE  
12 TEACHER OR PRINCIPAL INCLUDING KNOWLEDGE, SKILLS, AND  
13 RESPONSIBILITIES.~~

~~14 (III) RACE TO THE TOP GRANT FUNDS MAY BE USED ONLY TO  
15 FUND INCENTIVES PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH  
16 FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN  
17 PUBLIC SCHOOLS THAT ARE IN IMPROVEMENT, CORRECTIVE ACTION, OR  
18 RESTRUCTURING.~~

~~19 (I) 1. THE STATE BOARD SHALL ESTABLISH A PROGRAM  
20 TO SUPPORT LOCALLY NEGOTIATED INCENTIVES, GOVERNED UNDER SUBTITLES  
21 4 AND 5 OF THIS TITLE, FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND  
22 PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE:~~

~~23 A. IN IMPROVEMENT, CORRECTIVE ACTION, OR  
24 RESTRUCTURING;~~

~~25 B. CATEGORIZED BY THE LOCAL SCHOOL SYSTEM AS  
26 A TITLE I SCHOOL; OR~~

~~27 C. IN THE HIGHEST 25% OF SCHOOLS IN THE STATE  
28 BASED ON A RANKING OF THE PERCENTAGE OF STUDENTS WHO RECEIVE FREE  
29 AND REDUCED PRICED MEALS.~~

~~30 2. THE PROGRAM ESTABLISHED UNDER  
31 SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY INCLUDE FINANCIAL  
32 INCENTIVES, LEADERSHIP CHANGES, OR OTHER INCENTIVES.~~



1 ~~(IV)~~ (II) 1. THE STATE BOARD SHALL ADOPT  
2 GUIDELINES TO IMPLEMENT THIS PARAGRAPH.

3 2. NOTHING IN THIS PARAGRAPH SHALL BE  
4 CONSTRUED TO PROHIBIT A LOCAL SCHOOL SYSTEM FROM EMPLOYING MORE  
5 STRINGENT STANDARDS THAN THE GUIDELINES ADOPTED UNDER THIS  
6 SUBPARAGRAPH.

7 SECTION 2. AND BE IT FURTHER ENACTED, That during the 2010 – 2011  
8 and 2011 – 2012 school years, stipends awarded under § 6–306(b)(5) of the Education  
9 Article, as enacted by Section 1 of this Act, may be based on whether the teacher has  
10 obtained certification by the National Board for Professional Teaching Standards.

11 SECTION 3. AND BE IT FURTHER ENACTED, That on or before December  
12 31, 2010, each local school system shall submit to the State Board of Education a  
13 description of the local school system’s teacher mentoring program, including data  
14 relating to the number of mentors who have been assigned, the number of teachers to  
15 whom the mentors have been assigned, and how, if at all, the effectiveness of the  
16 mentoring program is measured.

17 SECTION ~~2~~ ~~3~~ 4. AND BE IT FURTHER ENACTED, That the probationary  
18 period of employment specified in § 6–202(b) of the Education Article, as enacted by  
19 Section 1 of this Act, shall be applicable to a certificated employee in a ~~public~~ local  
20 school system with a date of employment starting on or after July 1, 2010.

21 ~~SECTION 3. 4. AND BE IT FURTHER ENACTED, That this Act shall take~~  
22 ~~effect July 1, 2010.~~

23 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency  
24 measure, is necessary for the immediate preservation of the public health or safety, has  
25 been passed by a yea and nay vote supported by three-fifths of all the members elected  
26 to each of the two Houses of the General Assembly, and shall take effect from the date it  
27 is enacted.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.